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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,912	12/30/2004	Richard A MOWERY JR.		2926

7590 02/08/2007
Richard A Mowery Jr
911 Morning Sun Lane
McGregor, TX 76657

EXAMINER

NGUYEN, HUNG T

ART UNIT	PAPER NUMBER
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2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/519,912

Applicant(s)

MOWERY, RICHARD A

Examiner

HUNG T. NGUYEN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/6/2006 & 1/5/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6-10,12-14 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-10,12-14 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The Cross Reference to Related Patent and Continuing Data from Bib Data Sheet are objected, Both must be the same information.

Therefore, applicant must correct them in the following:

- **In the Cross Reference to Related Patent:**
 - please insert --PAT 6,492,897-- after "US application 09/632,320";
after "on August 4th, 2000, insert --this application is a 371 of PCT/US02/39275
12/07/2002-- and
 - delete "and entitled "A System for Coupling Wireless Signals to and from a
Power Transmission Line Communication System" by Richard A. Mowery Jr.;
which is hereby incorporated herein by reference";
- **In Continuing Data from Bib Data Sheet:**
 - please insert --This International application is related to the following US
Application 09/632,320 PAT 6,492,897 which was filed on August 4th, 2000,--
before "this application is a 371 of PCT/US02/39275 12/07/2002".

Claim Rejections - 35 USC § 112

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2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 6-10, 12-14 & 23-28 and new claims 29-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was **not described** in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

New limitations or subject matters as "untethered device is reassigned from a first base station to a second base station, determining signal strength, to request a handoff, reassigning the untethered device using power line communications when the requirement is met.....to a second base station" in the new amended claims 1, 6-10, 12-14 & 23-28 and new claims 29-33 filed on Jan. 05, 2007 is considered a **NEW MATTER** which is **NOT** enter or consider at this time.

4. The following is the FINAL rejection to reject claims 1, 6-10, 12-14 & 23-28 filed on Sept. 06, 2006.

Examiner does **Not** exam the amended claims 1, 6-10, 12-14 & 23-28 and new claims 29-33 filed on Jan. 05, 2007 as disclosed above.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 6, 8-10, 14 & 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Paull (U.S. 3,656,112).

Regarding claim 1, Paull discloses power line communication in the form of a system for handing off or exchanging information [figs.1-2, col.2, line 65 to col.3, line 40] comprising:

- tethered device (300) connected to power transmission communication network having transceiver (301,306) and power transmission communication system (203) [figs.1-2, col.3, lines 3-22];
- untethered device / portable (100) having a transceiver (102,103) for transceiving radio signals to remote location (400) [figs.1-2, col.2, line 65 to col.3, line 40].

Regarding claim 6, Paull discloses power line communication in the form of a system for handing off or exchanging information by wireless network [figs.1-2, col.2, line 65 to col.3, line 40].

Regarding claim 8, Paull discloses the transceiver (301,306) connected to the power communication network operates inside a lighting apparatus (821,822) [figs.1-2,11, col.10, line 74 to col.11, line 15].

Regarding claims 9-10, Paull the untethered device / portable (100) having a transceiver (102,103) for transceiving radio signals to remote location (400) [figs.1-2, col.2, line 65 to col.3, line 40 and lines 62-75].

Regarding claim 14, Paull discloses the tethered device (300) connected to power transmission communication network having transceiver (301,306) and power transmission communication system (203) [figs.1-2, col.3, lines 3-22].

Regarding claims 23-25, Paull discloses power line communication in the form of a system for handing off or exchanging information [figs.1-2, col.2, line 65 to col.3, line 40] comprising:

- tethered device (300) connected to power transmission communication network having transceiver (301,306) and power transmission communication system (203) [figs.1-2, col.3, lines 3-22];

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- the transceiver (301,306) connected to the power communication network operates inside a lighting apparatus (821,822) which connects to electrical outlet is inherently [figs.1-2,11, col.10, line 74 to col.11, line 15];
- untethered device / portable (100) having a transceiver (102,103) for transceiving radio signals to remote location (400) [figs.1-2, col.2, line 65 to col.3, line 40].

Regarding claim 26, Paull discloses power line communication in the form of a system for handing off or exchanging information by wireless network [figs.1-2, col.2, line 65 to col.3, line 40].

Regarding claims 27-28, Paull discloses the tethered device (300) connected to power transmission communication network having transceiver (301,306) to transmit signals to remote location as programmed [figs.1-2, col.3, lines 3-22].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7 & 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paull (U.S. 3,656,112) in view of Ditzik (U.S. 5,983,073).

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Regarding claim 7, Paull teaches a means for determining a location of the subscriber device (500) [col.1, lines 38-50];

- transmitting data signal to the device [col.1, lines 26-50];
- informing the device of location data [col.1, lines 26-50];
- determining a time of arrival [col.4, lines 60-73].

Paull does not specifically mention evaluating data with respect to the untethered device as claimed by applicant.

However, Ditzik discloses a wireless communication includes cell phone (14), notebook computer (51) may perform their duties in data communication as programmed [figs. 2-3, abstract].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the teaching of Arjomand in the system of Birchfield to perform their duties as evaluating data and transmitting data signals to remote locations as required.

Regarding claims 12-13, Ditzik discloses the wireless communication includes cell phone (14), notebook computer (51) may perform their duties in data communication as programmed [figs. 2-3, abstract].

Arguments & Responses

9. Applicant's arguments filed on Jan. 05, 2007 have been NOT entered & considered because it contains NEW matter in the claims 1,6-10, 12-14 & 23-33.

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Examiner unable to see & find term as "untethered device is reassigned from a first base station to a second base station, determining signal strength, to request a handoff, reassigning the untethered device using power line communications when the requirement is met.....to a second base station" in the Specification filed on Dec. 30, 2004 which was **not described** in the specification.

Applicant must claim whatever information, terms or ideas or subject matter which are disclosed & described in the Specification. You can NOT claim something that never disclose & described or mention in the Specification.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 9:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffrey can be reached on (571) 272-2981. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

HUNG NGUYEN
PRIMARY EXAMINER



Examiner: Hung T. Nguyen

Date: Feb. 6, 2007